

United States District Court

DISTRICT OF DELAWARE

SUMMONS IN A CIVIL ACTION

ROQUETTE FRÈRES,

Plaintiff,

v.

SPI PHARMA, INC. and DRYTEC LTD.,

Defendants.

C.A. No. 06-540 (KAJ)

TO: DRYTEC LTD.
c/o Secretary of State
401 Federal Street, Suite 4
Dover DE 19901

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon
PLAINTIFF'S ATTORNEY:

Julia Heaney, Esquire
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, P.O. Box 1347
Wilmington, DE 19899-1347
302-658-9200

an answer to the Amended Complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

BY DEPUTY CLERK

DATE

10-24-06

RECEIVED
DEPARTMENT OF STATE
2006 OCT 24 PM 2 41
DIVISION OF
CORPORATIONS

AO 440 (REV. 10/93) Summons In a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me¹

DATE

October 24, 2006

NAME OF SERVER (PRINT)

Andrew Smith

TITLE

Messenger

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____☐ Left copies thereof at the defendant's dwelling house or usual place of abode with person of suitable age and direction then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____☐ Other (specify): Service of the Summons and Complaint was made upon defendant Drytec Ltd by delivering copies thereof to Secretary of State, 401 Federal Street, Suite 4, Dover, DE 19901.

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

10/24/06
Date

Signature of Server

Morris, Nichols, Arsht & Tunnell LLP
1201 N. Market Street, Wilmington, DE 19801
Address of Server

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure